AT ROANOKE, VA

FEB 2 1 2008

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

ANTHONY L. RUSH,)	
Plaintiff,)	Civil Action No. 7:08CV00053
v.)	FINAL ORDER
NURSE VANDEVANDER, et al.,)	
Defendants.)	By: Hon. James C. Turk
)	Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim; the court declines to exercise supplemental jurisdiction over any potential state law claims, pursuant to 28 U.S.C. § 1367(c)(3); and Rush's motion to proceed in forma pauperis (docket number 3) is **DENIED AS MOOT**. Accordingly, this case is **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a copy of this Order and accompanying Memorandum Opinion to plaintiff.

ENTER: This 1 / 1/2 day of February, 2008.